

STATE OF MISSISSIPPI

MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Monday, September 16th, 2024, 9:00 a.m.,

Bolton Building Auditorium

1141 Bayview Avenue, Biloxi, Mississippi 39530

COMMISSION MEMBERS:

Matthew Mayfield
Jonathan McLendon
Jason Osborne (Via Phone)

ALSO PRESENT:

Joe Spraggins
Sandy Chesnut, Esquire
Steven Eckert, Esquire

REPORTED BY:

Melissa Burdine-Rodolfich
mburdine@sbmreporting.com

1 JONATHAN MCLENDON:

2 All right. We're going to call this
3 Mississippi Advisory Commission on Marine
4 Resources meeting, Monday, September 16th, to
5 order.

6 Commissioner Osborne is on the phone with
7 us.

8 And at this time, I would ask
9 Commissioner Mayfield to lead us in the pledge.

10 (Pledge of Allegiance was recited.)

11 JONATHAN MCLENDON:

12 General, you want to lead us in the
13 prayer?

14 JOE SPRAGGINS:

15 Yeah. Before we go to the prayer, I
16 would just like to hope that everyone lived
17 through and had no problems with the storm we had
18 last week. Praise the Lord that it was no worse
19 than it was, and I think that everybody in
20 Louisiana fared fairly decent. You know, some got
21 some damage, but we want to keep them in our
22 prayers, too, those -- the ones over there. But
23 we are very blessed so far, so let's go to the
24 Lord.

25 (Moment of prayer.)

1 JONATHAN MCLENDON:

2 All right. So we've got approval of the
3 minutes. Do I have a motion on the approval of
4 the minutes?

5 RONNIE DANIELS:

6 I make the motion.

7 MATTHEW MAYFIELD:

8 Second.

9 JONATHAN MCLENDON:

10 All in favor?

11 (Unanimous vote.)

12 JONATHAN MCLENDON:

13 We have -- the next item on the agenda
14 is the approval of today's agenda. We got any
15 changes?

16 (No response.)

17 JONATHAN MCLENDON:

18 All right. Any motions on the approval
19 of the agenda?

20 MATTHEW MAYFIELD:

21 I make a motion to approve the agenda.

22 RONNIE DANIELS:

23 Second.

24 JONATHAN MCLENDON:

25 All in favor?

1 (Unanimous vote.)

2 JONATHAN MCLENDON:

3 All right. Now we have the Executive
4 Director's report, General.

5 JOE SPRAGGINS:

6 Okay. We've got some employment updates
7 and contracts. Let's see where we're at. Joanna
8 Miller, she took over as the accounting
9 management -- manager for us. Joanna has been
10 with us several years now and doing a great job.
11 And Brandy moved on to another company, so we'll
12 miss her, but we're proud to have Joanna there.

13 And we've got Rudy. I don't know if
14 Rudy is in the room, but if he's not, you know,
15 Rudy is back with us. Rudy had retired and now
16 he's back with us part time, and we're glad to
17 have Rudy Balius back with us.

18 Contracts, we've got a couple and
19 they're both at the NERR and they're NRDA
20 contracts, so if you look at it and -- the PG2
21 Farms and then invitation for bids out there for
22 WRENS Construction, invitation for bid out there.
23 But basically it's going to be -- it's a couple of
24 projects at the NERR that they're working and
25 they're paid for by NRDA funds. Any questions on

1 that?

2 (No response.)

3 JOE SPRAGGINS:

4 All right. As far as the agency update,
5 well, if you get a chance sometime and you want to
6 walk back down through the second floor, they'd
7 love to show you our new fisheries department. I
8 tell you what, they went from having the worst
9 looking area in the building to now they have one
10 of the best looking areas in the building. And
11 it's very nice and it's very clean and neat, and
12 everybody has offices and cubicles now to work out
13 of, so it's something entirely different. They've
14 never had anything over there since I have been
15 here in the last 11 years, and so I'm proud of
16 them.

17 And, Traci, we're proud to give y'all a
18 place to work out of, and I know y'all -- you want
19 to see a conference room? Well, they've got a
20 nice one. I'll tell you what, it's state of the
21 art everything. I think it will talk for you. I
22 don't know. It's pretty good.

23 Hurricane season is still here, so don't
24 let your guard down. It's still here, and, you
25 know, we've got Gordon out there now, but I think

1 it's going to go in a different direction. But
2 let's just keep our eyes and ears open and keep
3 praying to the Lord that he'll let them go away
4 from us and not hurt anybody else.

5 CCA had the Kids Jamboree that started
6 this year, and it ran from Memorial Day to Labor
7 Day and we had 287 kids participate in that.
8 That's pretty good. And it's a jamboree that we
9 basically funded through the agency to teach kids
10 and help them learn how to fish and also to give
11 them the incentive to go out, and there will be a
12 banquet on the 21st.

13 Is that right, Patrick?

14 PATRICK LEVINE:

15 Yes, sir.

16 JOE SPRAGGINS:

17 On the 21st at the Seafood Museum?

18 PATRICK LEVINE:

19 Yes, sir.

20 JOE SPRAGGINS:

21 And so they'll have a banquet for them
22 and be able to give out awards for all the fish
23 that they caught. And hopefully, then, we will
24 keep those young kids and all looking at
25 fisheries. You know, it's something we've got to

1 do. We've got to keep them involved, and as long
2 as we can keep them working at it, we'll have
3 people still fishing for a long time.

4 We have got a new charity event. It's
5 called the First Annual Hook 'Em for Heroes, and
6 it's to support local first responders and
7 veterans and their families along the Mississippi
8 Gulf Coast, so they're doing a fishing tournament
9 on the 21st of September also. And if you're not
10 involved in it -- it's in Pass Christian where
11 they work out of, and if you want to be involved,
12 you can go look up Hook 'Em for Heroes. All the
13 proceeds will go into funds -- it's a 501C-3 -- to
14 be able to help any of our first responders or
15 veterans' families that need help in that -- any
16 time. So I think that's fantastic to have
17 something like that.

18 Our next Commission meeting, if it's
19 okay with the Commission -- I think we looked at
20 last time -- it's going to be changed to Tuesday,
21 October 22nd at 9:00 a.m. Is that a problem with
22 anyone?

23 MATTHEW MAYFIELD:

24 No.

25 JONATHAN MCLENDON:

1 No.

2 RONNIE DANIELS:

3 No.

4 JOE SPRAGGINS:

5 Commissioner Osborne, are you okay with
6 that?

7 JASON OBSORNE:

8 Yes, sir.

9 JOE SPRAGGINS:

10 Okay. So we'll do that. We'll change
11 because we've got a Gulf States right before it in
12 the time that we're supposed to have it, so just
13 put you down as Tuesday, October 22nd at 9:00 a.m.

14 Well, in about another two weeks,
15 Cruisin' the Coast will be here, and DMR, through
16 Gulf Fresh Seafood, is a title sponsor again this
17 year. It's October 5th through 13th. We're going
18 to have a -- we'll be set up at Centennial Plaza,
19 and we'll be doing several days there where we'll
20 be giving boiled shrimp to our visitors coming in
21 town and telling them just how great these shrimp
22 are coming out of the Gulf of Mexico.

23 And we'll also be set up -- we're going
24 to work in Ocean Springs, Pascagoula and
25 Bay St. Louis and we'll have -- and then also in

1 Biloxi, so we're going to have about four
2 different events that we will be at during that
3 week and handing out stuff for the Gulf Fresh
4 Seafood and DMR. So if you get a chance, stop by
5 and see them at the booth where they're at.

6 And I know you'll enjoy Cruisin' the
7 Coast. This year, Woody said they're working
8 trying to top last year's, and there were a little
9 over 10,000 cars last year and so around 100,000
10 people. So that's a lot of people we're getting
11 to see and we'll get to be able to see, and
12 they -- from almost every state and then some
13 other countries even. So that's a good deal for
14 us.

15 Bonnet Carré update, we -- Traci, is
16 there anything other than -- I got the part about
17 the seafood -- the processors' technology. The
18 other stuff is at -- normal. But out of that,
19 there's a grant there for 3.694 million, and we
20 have spent about 71,000 of that so far. But the
21 grant application period was open on July 15th,
22 and it will close -- it was closed on the 13th.
23 Currently, we have 27 applications, and they're
24 touching base with the people to make sure.

25 This is to be able to help our seafood

1 processors and all to be able to buy new equipment
2 and do things to be able to update their factories
3 and the plant. So hopefully, we'll be able to get
4 that worked out shortly and people will be able to
5 understand that.

6 And, Jonathan, I know you -- y'all know
7 a little bit about it. Is there anything you have
8 to say on that?

9 JONATHAN MCLENDON:

10 No. But we certainly appreciate the
11 DMR, you know, running this program and going to
12 bat for us in order to get this money. I think
13 that, you know, the shrimping business all the way
14 around in the past few years has been tough from
15 the boat perspective and then to the plant
16 perspective. So to be able to go out and get some
17 of these capital expenditures certainly helps keep
18 the facilities up.

19 JOE SPRAGGINS:

20 Good deal. But, hopefully, that will
21 work and we will be able to get that out soon and
22 get them some money to -- will it be reimbursable?

23 TRACI FLOYD:

24 (Nodding head affirmatively.)

25 JOE SPRAGGINS:

1 So, you know, the processors go in and
2 buy their equipment after they've been approved
3 for it and we pay up to this amount back to them.

4 All right. Other than that, let's see,
5 actions updates?

6 STEVEN ECKERT:

7 Good morning. Regarding our August 2024
8 meeting, the Commission recommended and the
9 Director approved the following motions: First,
10 there was a motion to elect Cam Roberds as chair
11 and Jonathan McLendon as vice chair of Mississippi
12 Advisory Commission on Marine Resources.

13 There was also a motion to amend the
14 agenda and to move the following Commission
15 meetings: September's meeting to this morning,
16 October's meeting to October 22nd at 9:00 a.m.

17 There was a motion that the Executive
18 Director grant the variance and issue the permit
19 as requested by the City of Ocean Springs for the
20 Washington Avenue Road elevation between
21 LaFontaine Avenue and Front Beach Drive in Ocean
22 Springs.

23 There was also a motion for the
24 Commission to accept the proposed on-bottom oyster
25 lease process.

1 And finally, some motions to recommend
2 the following state saltwater finfish records:
3 For conventional tackle, there was Maison Hallman
4 with his 1 pound, 3.36 ounce barracuda; Dustin
5 Conway with a 28 pound, 8.96 ounce golden
6 tilefish.

7 With the all tackle, Garrett Jones with
8 a record of a 3 pound, 8 ounce white porgy.

9 With fly tackle, Alan Williams with a
10 2.4 ounce silver perch.

11 Under the youth conventional tackle,
12 Braxton Necaise with a 16 pound, 10.24 ounce
13 blacknose shark; Rodie Arms with a 2.24 ounce
14 Atlantic silverstripe halfbeak.

15 And finally, under the youth fly tackle
16 is a jack crevalle with Mr. Rodie Arms of
17 25 pounds, 10.24 ounces; and, again, Rodie Arms
18 with a 2 pound, 4 ounce bluefish.

19 And that concludes the actions update
20 from the prior meeting.

21 JOE SPRAGGINS:

22 Any questions from Commissioners?

23 If not, sir, that's my report.

24 JONATHAN MCLENDON:

25 Any -- next item up is any Commissioners

1 have a report? Mr. Osborne?

2 JASON OBSORNE:

3 I do not. Thank you.

4 JONATHAN MCLENDON:

5 All right. Well, next up, we have Chief
6 Wilkerson, report on citations.

7 KYLE WILKERSON:

8 Good morning. Everybody doing well?
9 Outstanding.

10 Well, August was a busy, busy month.
11 We're looking at probably 2,800 or more contacts.
12 Nothing major stands out.

13 I'm going to be pretty brief on this due
14 to the fact that I'm going to have Senior Master
15 Sergeant Roy Lipscomb give you an update on the
16 derelict vessel program.

17 Any questions?

18 (No response.)

19 KYLE WILKERSON:

20 All right.

21 ROY LIPSCOMB:

22 Good morning, Director, Commissioners,
23 Legal.

24 When we first started -- the
25 presentation is going to be about -- we moved it

1 over to the Office of Marine Patrol in August of
2 2022 and the success. When we first started this,
3 I kind of didn't realize all the -- every vessel
4 has a story. Unfortunately, a lot of them aren't
5 good stories. We've had a lot of vessels
6 involving suicide, deaths, even murder.

7 So let's get a definition of what --
8 just clicker? Oh, there.

9 What is a derelict vessel? It is a
10 vessel ground without ability to extricate itself
11 without mechanical assistance; it is sunk or
12 resting on the bottom of a waterway; abandoned,
13 how long, unattended for more than 30 -- 10 days
14 or after a big storm or hurricane, it's 30 days;
15 if it's wrecked, junked or substantially
16 dismantled, docked, grounded or beached upon
17 property of another without property owner's
18 consent; it's obstructing a waterway or within 100
19 yards of state, country or municipal port; if it's
20 endangering the life or property; if it's broken
21 loose or in danger of breaking loose from its
22 anchor, mooring, or ties.

23 And one thing -- a pet peeve I have, we
24 have everybody calling. It is not your neighbor's
25 vessel just because you consider it an eyesore.

1 We have tons of people call. They don't like the
2 way their vessel looks -- their neighbor's vessel.
3 And I kind of tell them, what kind of car do you
4 drive? What if they don't like your car? It's
5 not illegal, so we have to defend those all the
6 time.

7 There's some vessels in Hancock County.
8 It's kind of a very interesting case. I was first
9 called out there in 2019 with Lieutenant Michael
10 Yontz (ph). It's a property where some sovereign
11 citizens live. First, they called themselves --
12 they sunk a houseboat across the bayou out there,
13 and the neighbors couldn't -- so we had to go out
14 there and talk to the people and the houseboat is
15 still there.

16 Anyway, we found out afterwards what
17 they're up to. They're using all these sailboats,
18 dragging them up on land and cutting the lead out
19 for ammunition. They're making -- there's
20 ammunition all over the property. They had a
21 falling out, the two sovereign citizens. One shot
22 and killed the other one. And then the next
23 morning after Hurricane Ida, Hancock County went
24 in by boat and the other gentleman opened up with
25 an AK-47. He is deceased now too. There is

1 buried treasure on the property. There's all
2 kinds of crazy stuff going on, so it's quite...

3 I couldn't get anybody to talk to me
4 about it, so I went down -- it was like 10:00 in
5 the morning. There's a local bar down in
6 Pearlinton by the Pearl River. Walked in there
7 fully -- dark, people all stared at me. And I
8 just sat down and made friends with the bartender
9 and started talking. Then I started getting
10 names, then I got another name, then I got another
11 lead.

12 And that's how we put the whole case
13 together with the help of Mr. Eckert. It's quite
14 a puzzle. It is all kinds of characters, crazy
15 characters involved, a jockey who stole the
16 treasure, a lawyer who's -- anyway, he has got no
17 firearm and no ammunition. He lives on his
18 sailboat. He's half nuts too, so it's been a --
19 it's just a crazy case.

20 All right. This is Harrison County.
21 Lieutenant Casovich actually saw this vessel a few
22 years before, very pretty vessel. It was --
23 became derelict, sunk in the Seaway Canal and was
24 just now recently removed. But anyway, that's one
25 from Harrison County.

1 Jackson County, that's back over by
2 Windsor Point. The son was deceased in a fatal
3 boat accident and he had it parked behind his
4 mother's -- docked behind his mother's property
5 and it sank. Usually -- well, I sat there and I
6 gave her a lot of time, working with her, working
7 with her because the situation. She finally -- it
8 took her about three months. Sometimes patience
9 pays off by giving these people a chance. They
10 want to do the right thing. They have a lot of
11 different issues why they can't get them out of
12 there.

13 All right. Since the Office of Marine
14 Patrol -- August 2022, we've had 105 reported to
15 the program; 61 have been removed; 14 are out of
16 jurisdiction or not moving forward and 30 pending.

17 Also, when it moved to Office of Marine
18 Patrol, we have the ability to go and investigate,
19 knock on doors, work with the AG's office
20 following leads. Following leads, we find a lot
21 of these vessels end up with six different owners,
22 and before, we'd just sit there and start sending
23 out paperwork after we can't find the first owner,
24 which is a large -- we go to court. It takes --
25 sometimes takes a year, hundreds of hours for the

1 officer and with the attorneys.

2 And the 30 pending is -- right now, it's
3 going to be still working with owners. We still
4 have some boats in the court system. We're still
5 investigating a few. We've also recovered seven
6 stolen vessels. We have two open felony cases on
7 some individuals still pending.

8 All right. So it's been -- August 2022,
9 the cost to remove up and down the Gulf Coast from
10 Texas to Florida is about 550 per foot, and a lot
11 of different factors go into it, whether it's sunk
12 or if it's floating, the equipment, how are they
13 going to get it out. So since then, we've removed
14 three vessels with state funds at 49,500. Four
15 have been removed with a NOAA grant, which we
16 applied for and received. It's a \$1.9 million
17 grant granted to the DMR for large marine debris
18 removal.

19 And we've had 54 derelict vessels
20 removed by owners, which have -- it covers a whole
21 different variety where we work with property
22 owners. We've helped owners transfer it to
23 somebody else, just worked with some of the
24 cities, municipalities, and so it's a savings of
25 \$730,000 so far to the taxpayers of Mississippi.

1 So if there is -- a lot of work on the
2 ground with our Attorney General's office.
3 Luckily, I have good command support me on this so
4 we can go out and do all kinds of stuff all the
5 time trying to find those people.

6 Any questions?

7 JOE SPRAGGINS:

8 Sir, I would just like to, first off,
9 thank Roy and Steven for doing the great job that
10 they've done. I'll tell you what, we have got the
11 right people in the right place doing the right
12 thing on this.

13 Roy goes out there and he's got the
14 attitude and he's got the atmosphere about himself
15 to do the things that need to be done.

16 That's just like he said. He walked into a bar
17 and gets all the worries of the world and, you
18 know, he walked in there in the uniform probably.

19 ROY LIPSCOMB:

20 Yes, sir, I was. It was going to be
21 hard to explain a DMR truck.

22 JOE SPRAGGINS:

23 So getting somebody in a bar in Hancock
24 County to tell you something in a police uniform
25 is probably hard to do, but he was able to do it.

1 The other thing is, too, that when you
2 think about it, you know, once we get the cases
3 and Roy brings them to them and says, hey, this is
4 what I've got, Steven takes it to the court and he
5 gets it worked through the system, and that is a
6 great deal. We have a -- no state in the Gulf is
7 anywhere close to us and what we've done so far.

8 ROY LIPSCOMB:

9 Yes, sir.

10 JOE SPRAGGINS:

11 It is amazing what's been done. Now --
12 but the one thing on the right that you saw there,
13 54 vessels removed by the owners, you know, most
14 states can't get anybody to even touch their
15 stuff. They're able to work it out by going
16 through and working with the people as he said and
17 talking to them and getting them to understand the
18 situation and saying, hey, it's your
19 responsibility. You're the one that owns this
20 boat, and they are moving it. That's \$730,000
21 that the State of Mississippi or the federal
22 government didn't have to pay, and that is what we
23 are talking about.

24 This is one of the best programs I have
25 ever seen in my life, and I'll tell you what --

1 and I know it's the best program that we have.

2 And what is it, New York City called the
3 other day?

4 ROY LIPSCOMB:

5 Yes, sir. City of New York Parks and
6 Recreation is starting a derelict vessel, asked
7 for advice, e-mails. We had the State of
8 Louisiana, DEQ, looked at our site, sent an e-mail
9 and we had a long conversation. They're trying to
10 start up their program. And then I think last
11 week we had Texas asking about a sunken barge.

12 We even had a homeowner who has a
13 beach -- from Mississippi who has a beach house in
14 Pensacola and a sailboat that came up on the beach
15 and contacted her to advise her about Florida laws
16 so she could help the boat owner. So word is
17 getting out.

18 JOE SPRAGGINS:

19 Roy is getting out, and Roy may be on
20 the *Wall Street Journal* here before long.

21 But thank y'all for -- you and -- thank
22 you, both of y'all, for your great work and all
23 the work that's being done on this and we
24 appreciate it.

25 ROY LIPSCOMB:

1 Yes, sir. Thank you.

2 KYLE WILKERSON:

3 I would like to say also that Roy is a
4 hard charger. And, Steven, thank you for all you
5 do and Ms. Sandy.

6 Any questions for Marine Patrol?

7 JONATHAN MCLENDON:

8 No. Appreciate it, Chief. Great job.

9 KYLE WILKERSON:

10 All right, sir.

11 JONATHAN MCLENDON:

12 Next up, we have Office of Coastal
13 Resources Management, Bureau of Wetlands
14 Permitting, Katie Nelson.

15 KATIE NELSON:

16 All right. Good morning, everyone.
17 Before I start, I want to preface this
18 presentation by briefly explaining what type of
19 certification that National Park Service is
20 requesting.

21 We don't directly regulate federal
22 agency activity, but we are able to review federal
23 projects for consistency with our Coastal program
24 and to condition those consistency determinations
25 to ensure that the project will have no net loss

1 of Coastal wetland habitat or function.

2 So to begin, the National -- National
3 Park Service at Gulf Islands National Seashore,
4 they're requesting a consistency certification.
5 The project is located along Park Road in the
6 Stark Bayou area of Gulf Islands National Seashore
7 in Ocean Springs. The project is within the
8 General Use District. The agent is U.S. Federal
9 Highway Administration.

10 And the purpose and need of the project
11 is to enhance the public's use and/or enjoyment of
12 natural resources by providing a safe place to
13 walk and cycle within the Stark Bayou area,
14 helping to offset adverse impacts to recreational
15 uses from the Deep Water Horizon Oil Spill.

16 The applicant is requesting to fill for
17 construction of multiuse trails by filling 0.07
18 acre of vegetated wetlands and 0.23 acre on
19 non-tidal wetlands. The placement of fill will be
20 for shoulder widening, bike and pedestrian
21 boardwalks, placement of riprap and installation
22 of culverts.

23 Here is the project location. Again,
24 it's along Park Road within Gulf Islands National
25 Seashore. And this is a rough diagram that shows

1 the different impacts. Non-tidal impacts are
2 shown in green, and then the vegetated Coastal
3 wetlands impacts are shown in pink.

4 For unavoidable impacts to vegetated
5 Coastal wetlands, the applicant is requesting two
6 variances to our Coastal program. Their
7 justification for the impact states that no
8 feasible alternative sites or construction
9 techniques are available. There is significant
10 public benefit in the activity, and a public
11 hearing has been held.

12 The applicant is proposing mitigation
13 for the unavoidable impacts to wetlands. To
14 mitigate for the vegetated Coastal wetland
15 impacts, they are proposing to replace the
16 existing 24-inch culvert under Park Road with a
17 40-foot by 20-foot bottomless concrete culvert to
18 improve the natural flow to 4.95 acres of tidal
19 marsh habitat that is directly east of the project
20 area, and I have shown it circled in red.

21 I forgot about the non-tidal mitigation.
22 They are -- for the impacts to non-tidal wetlands,
23 they are intending to purchase an appropriate
24 number of mitigation credits from a local
25 mitigation bank.

1 Notification of the project was
2 published in *the Sun Herald* on August 4th of 2024.
3 Notification also appeared on our DMR website from
4 August 1st to September 3rd. No public comments
5 were received. We also held a public hearing for
6 the project on Tuesday, September 3rd in our
7 Bolton Building auditorium. Again, no public
8 comments were received.

9 MDEQ sent no comments, and MDAH and
10 Secretary of State had no objections for the
11 project.

12 After a thorough evaluation of the
13 project based on the decision factors in our
14 Coastal program, the project will serve a higher
15 public interest by enhancing the public's use
16 and/or enjoyment of natural resources by providing
17 a safe place to walk and cycle within the Stark
18 Bayou area helping to offset adverse impacts from
19 the Deepwater Horizon Water Oil Spill.

20 Therefore, the staff requests a motion
21 that the Commission recommend to the Executive
22 Director to approve the requested variances and
23 approve the consistency certification as
24 requested.

25 Are there any questions?

1 (No response.)

2 JONATHAN MCLENDON:

3 Okay. Do we have a motion -- do we have
4 a motion to accept the staff request of the
5 requested variances?

6 RONNIE DANIELS:

7 I'll make a motion.

8 MATTHEW MAYFIELD:

9 I'll second.

10 JONATHAN MCLENDON:

11 All in favor?

12 (Unanimous vote.)

13 JONATHAN MCLENDON:

14 And do we have another motion to approve
15 the consistency certification as requested by the
16 DMR staff?

17 MATTHEW MAYFIELD:

18 I'll make a motion.

19 RONNIE DANIELS:

20 I'll second.

21 JONATHAN MCLENDON:

22 All in favor?

23 (Unanimous vote.)

24 JONATHAN MCLENDON:

25 Motion passes.

1 KATIE NELSON:

2 Thank you.

3 JONATHAN MCLENDON:

4 So we have no report for Office of
5 Coastal Restoration and Resiliency.

6 No report on the Office of Finance and
7 Administration.

8 Next up, Public Affairs, Ms. Charmaine.

9 CHARMAINE SCHMERMUND:

10 Good morning. The Mississippi
11 Department of Marine Resources had 15 media
12 mentions since the August MACMR. News items
13 included the opening of gag and greater amberjack
14 fishing seasons, Labor Day weekend boating safety
15 tips and a grandfather and grandson working with
16 our Shrimp and Crab Bureau to install a
17 monofilament recycling station at River Park in
18 Pascagoula.

19 The office of the Marine Patrol took
20 part in the We Work the Waterways in Pascagoula on
21 September 6th and the Vancleave homeschool co-op
22 on September 12th.

23 CSO, Rick Burris gave a presentation for
24 the GenSea field trip at USM on August 28th.

25 The agency sponsored the Biloxi Seafood

1 Festival and featured a booth at the festival,
2 which was held this past Saturday. We had
3 hundreds of visitors at our booth where MDMR staff
4 handed out our publications, fish ruler stickers
5 and various items promoting Mississippi Seafood
6 and the National Heritage Area.

7 We launched our annual photo contest
8 where the winning photos will be used in the
9 agency's 2025 calendar. We ask that submitted
10 photos depict an aspect of the marine resources
11 available on the Mississippi Gulf Coast, including
12 the recreational and commercial fishing, Coastal
13 preserves, marine plant and animal life, marsh
14 areas, boating and Mississippi seafood. The
15 deadline to submit entries is Friday, October 25th
16 and they can be mailed to
17 publicaffairs@dmr.ms.gov.

18 JONATHAN MCLENDON:

19 Thank you.

20 Next up, Office of Marine Fisheries,
21 MDMR, microbiological laboratory update, Becky
22 Hargrove and Katherine Glover.

23 KATHERINE GLOVER:

24 Good morning. Hello. My name is
25 Katherine Glover. I am a scientist with the

1 Shellfish Bureau, and today, I'm going to talk to
2 you about how the MDMR Shellfish Bureau samples
3 and manages our growing for oystering harvest.
4 This program ensures Mississippi oysters are safe
5 to eat and that the public's exposure to potential
6 illness is minimized. We work very closely with
7 the microbiology lab to reach this goal.

8 Okay. So just a little oyster biology
9 to start. As we all know, oysters are filter
10 feeders, meaning they take in the water around
11 them to eat plankton and other small animals.
12 They will then push out cleaner water back into
13 their environment. This has been demonstrated
14 many times by placing the oysters in cloudy
15 aquarium tanks and then watching the water clear
16 up as they feed.

17 One large downside, however, is that
18 they will also eat bacteria and viruses that are
19 in the surrounding water. These harmful organisms
20 will collect in the oyster and they can cause
21 problems when the oyster is harvested.

22 So how do we protect the public who
23 enjoy eating raw oysters? We monitor the water
24 quality in order to lessen the chance that someone
25 will get sick from eating raw or potentially

1 cooked oysters -- or partially cooked oysters that
2 have been harvested from Mississippi waters.

3 The NSSP model ordinance is a document
4 that provides guidelines to shellfish producing
5 states on how to mitigate public health risks and
6 according to their most recent version, the state
7 authority or MDMR will establish sampling stations
8 to effectively evaluate the health of our oyster
9 growing waters.

10 So here's a map of all of our growing
11 areas within the state, and then within each area,
12 the Shellfish Bureau has placed sampling stations
13 between the oyster resource and areas that pose a
14 potential threat, such as sewer pipes, lift
15 stations, wastewater treatment plants, industrial
16 areas, et cetera. There are 89 sampling stations
17 that we monitor along the Coast and they are
18 tested every single month throughout the year.

19 After the samples are collected, we are
20 very lucky to have an in-house lab that analyzes
21 the water quality. The samples are delivered to
22 the lab staff and results are received after one
23 to two business days. Based on these results, if
24 the water is sanitary, we can open for harvest.
25 However, if they are deemed unacceptable, the area

1 will close. When this occurs, we will continue to
2 sample the water, but we will also sample oyster
3 tissue to make sure that it's safe to eat. Once
4 both water and meat samples are approved, the
5 closed area will re-open for harvest.

6 Currently, we have more than 20 years of
7 water sampling data that is used to monitor
8 potential triggers for closing events and to aid
9 our staff in mitigating public health risks.

10 Now I will turn it over to Becky
11 Hargrove, who is the director of our microbiology
12 lab.

13 BECKY HARGROVE:

14 As Kat just said, that -- I am Becky
15 Hargrove. I'm the director for the Mississippi
16 Department of Marine Resources Microbiology.

17 (Commissioner Osborne leaves meeting.)

18 BECKY HARGROVE:

19 And we do work closely with the
20 Shellfish Bureau because we are the data
21 generators. We are the ones that are getting the
22 results of the testing that is needed for the
23 Shellfish Bureau to be able to have these growing
24 areas open or having to re-open to have a safe
25 product of oysters that we all love to eat.

1 Okay. So why is it important to know
2 what type of level of fecal coliforms are in the
3 water or in the meats of the oysters of our
4 growing areas? Well, we like to eat these oysters
5 raw or we like to have them where they're
6 partially cooked or charbroiled there on the
7 grill.

8 And so to be able to have a safe
9 product, we need to look at the amount of fecal
10 coliforms that are either in that water area, in
11 the water samples around that area, because we
12 know oysters are filter feeders that water is
13 going to be filtered through; so if you have fecal
14 coliforms and other bacteria and viruses, then
15 that is going to be getting into that meat that we
16 like to eat.

17 And so one of the fecal coliforms that
18 we are very familiar with is e. coli. And e. coli
19 is a bacterium that you find commonly in the gut
20 and the lower intestines of the warm-blooded
21 animals, but it's also a great indicator for other
22 organisms that might be in there, and that's why
23 it's considered an indicator organism. It's very
24 easy to detect. You can detect it at very low
25 levels, but if you're seeing fecal coliforms

1 around, then you might be also seeing other
2 disease-causing bacterias that causes illnesses as
3 typhoid, dysentery, hepatitis A and cholera.

4 So in order to be able to have these
5 growing areas open or to re-open after a storm
6 event or if the area has been closed, you have to
7 have testing, and we are super elated and excited
8 to say that in March 26th, 2024, the microbiology
9 laboratory was compliant to be able to run these
10 tests. The tests for opening them are regulated
11 in the protocol set forth by the National
12 Shellfish Sanitation Program administered by the
13 FDA, and so, therefore, now we're able to do this
14 testing, quote/unquote, in-house. That's why we
15 have such a great -- we get -- the samples are
16 being taken with the Shellfish Bureau and then now
17 the microbiology lab is able to run these samples
18 all together.

19 All right. Two of -- I forgot to
20 mention to you. These are the two tests that we
21 are compliant for, so that first slide is the
22 multiple tube fermentation technique. That's what
23 we use to test on the sea water that is around
24 those oyster reefs.

25 And then the second test is the type of

1 test we use to actually test those meats in the
2 oysters. Again, it's a multiple tube test and we
3 add a standard plate count for those shellfish
4 meats, and I will explain that you to in these
5 next slides.

6 Okay. So here is our fecal coliform
7 water testing. As you can see, Raul and I are on
8 the first photo there. And it takes a lot of
9 tubes to be able to do this type of test, so what
10 we use is we use these test tubes full of media
11 and we make the media all ourselves in-house as
12 well, and the media is the food for the bacteria.
13 And, so, of course, we have to have that special
14 food for them in the -- inside those tubes.

15 We go ahead and we take three dilutions
16 of that water sample. While we're taking all
17 these different dilutions -- because we're trying
18 to find that perfect sweet spot of what bacteria
19 level could be -- if we go ahead and just put
20 100 milliliters, maybe then we go to see that, the
21 results the next day, it's too high. We can't do
22 anything with that result. It's just too much,
23 and then -- or if we have too low, so that's why
24 you have different dilutions, to try to find that
25 sweet spot in there for -- we can actually use

1 these numbers to help with the opening and the
2 closing, so it's five tubes each of each dilution.

3 And then also what's unique about fecal
4 coliforms is that they will ferment sugar, so
5 there is sugar inside that media lactose. And it
6 will take -- at 44.5 degrees Celsius, you push
7 this bacteria up to that temperature, it will
8 actually ferment the sugar. So that's what we're
9 trying to capture here in that picture there on
10 the far right. It's a test tube that has the
11 media in there that has the sugar. After 24 hours
12 of us putting those tubes at 44.5 after we put the
13 water sample in, now you will see -- can you see
14 the effervescence, the growth, the bubble inside
15 of there? So that is considered a positive tube
16 for fecal coliform, so you're seeing effervescence
17 and you're seeing growth.

18 So after we run the samples and we look
19 at them the next day, we count how many of those
20 positive tubes there are. And once you take that
21 number, how many that are positive, we are able to
22 calculate what is known as a most probable number,
23 an MPN. And really, what you're doing is you're
24 getting an estimate of how many colonies could be
25 there because we're just looking at presence and

1 or absence. Is the fecal coliform there? Yes,
2 it's in the tube, but then how many tubes is it in
3 there? And then from there, we can come up with a
4 calculation, which they call most probable number,
5 and that's the number we give shellfish and that's
6 the number that they were able to do their
7 regelations that they need to do on the oyster
8 growing areas.

9 The meats are a little bit different.
10 The meats, we actually have to shuck the oysters
11 and find out how many fecal coliforms are inside
12 the meat. So it's not so much fun as if you go to
13 a bar and watch them shucking in front of you or
14 if you've gone to shuck yourself because you're
15 able to go behind and on that hinge. It's easy to
16 pop. We actually have to go in the front.

17 We have to use aseptic technique.
18 Everything has to be sterile. We can't -- we want
19 to make sure the fecal coliforms we're seeing
20 inside of that meat is true to that meat source
21 and that we're not getting anything, contaminates,
22 from the mud of the hinge and even from our hands
23 and from the instruments we're using.

24 So we actually have to pop it from the
25 bill. So when we hear, oh, we will help you

1 shuck, we're like, it's a little different type of
2 shucking. You have to get into the bill and it's
3 a lot harder to do.

4 And then you can see, we nicely put that
5 meat in there in that next picture and we make a
6 wonderful oyster shake. So if you didn't like to
7 eat oysters before, after you see the shake,
8 you're not going to want to -- or the smell,
9 you're probably not going to want to eat them
10 anyway.

11 But then we take -- again, it's kind of
12 the same type of testing. We take the sample. We
13 take the oyster meats, sample that nice slurry.
14 We put it in the test tubes again, and then this
15 is a four dilution this time. Instead of just
16 three dilutions, we actually just break it down
17 into four dilutions, count how many are positive
18 and, therefore, we can get that MPN number.

19 What's a little bit different, though,
20 we actually take some of that, put it in a plate,
21 put the media on top of it, the gel part of it,
22 and in 48 hours, we can actually have a colony
23 count. So we're getting not just, oh, is it
24 present there and kind of an estimated most
25 probable number, we're also getting a true colony

1 count and that also helps with us to make sure how
2 our testing is. It's almost a checks and balance
3 in our testing, because if we're getting a very
4 high MPN number, but we barely have bacteria
5 counts on the plates, uh-oh, what did we do wrong
6 or vice versa.

7 Okay. Moving forward, what are some
8 capabilities we'd like to move forward with the
9 micro lab? One is for our potable water testing.
10 This is something for the seafood processors.
11 Some of the seafood processors are still using
12 well water, so the water is not being tested by
13 the City. So, therefore, it needs to be tested to
14 see -- especially the water that they're using to
15 clean the shrimp or clean the shellfish that
16 you're -- that you're wanting to package.

17 And so what we look for is a total
18 coliform type testing. It's just a presence and
19 an absence. And also, we do a colony count as
20 well. If it's there, then we let the processors
21 know and they have -- there's regulations and
22 protocols they have to go through, so it's a
23 presence/absence. Is this there or is it not?
24 And so that's something that we can start moving
25 forward and doing that type of testing.

1 Vibrio testing, we hear about vibrio a
2 lot and vibrio testing is that something that,
3 with technology, has moved forward quite a bit, so
4 we actually test vibrio, different species of
5 vibrio by plating. You can see on that left-hand
6 side, the special type of auger. It's pretty
7 neat. It actually -- you can see four different
8 species of vibrio just by the color, and so you're
9 able to do testing that way.

10 And PCR work, this is where, okay, we
11 have a lot of vibrio. We might have -- what type
12 of vibrio do we have? And so, yes, you can look
13 at the plates, but we can actually get into the
14 DNA part of it. Is this the actual strand of
15 vibrio that may be pathogenic, and so that's
16 another avenue that we can go on with.

17 And wet storage, we're wanting to move
18 along with the industry. What can we give? What
19 can we do? How can we help? And so one other
20 thing is also wet storage is also a topic and if
21 that comes about, then we are hoping to be able to
22 help with that testing. So when these oysters are
23 coming out of the growing areas or with the
24 aquaculture and then they're putting into these
25 tanks for wet storage, you have to test if there

1 is bacteria in there as well because as we know,
2 they're filter feeders. They're going to pick all
3 that up.

4 And at the end here, this is our crew in
5 the micro lab, and if you have any questions for
6 me or Kat. All right.

7 JOE SPRAGGINS:

8 I'd just like to say thank y'all for
9 what to do, and we're lucky to have two new labs.
10 I'll tell you what. We're able to test a lot of
11 things that we were not able to test before, and
12 we've very lucky to have the people here to help
13 us to do that and we appreciate everything that
14 y'all are doing.

15 JONATHAN MCLENDON:

16 Yeah. Absolutely. I think you see
17 anything with something that's going good, it's
18 got a good price, it's got a good demand -- you
19 can just look at the recent deli meat recalls and
20 look at how fast and how hard these things can go
21 south, so appreciate you.

22 Next up, we have Grand Bay National
23 Estuarian Research, Ayesha Gray.

24 AYESHA GRAY:

25 Yeah. Hey.

1 JONATHAN MCLENDON:

2 Hello.

3 AYESHA GRAY:

4 So how are y'all doing today? Good.

5 So I just want everyone to come out and
6 celebrate National Estuaries Day with us. So I
7 mentioned this last time I was here, is we have a
8 program called Seaside with a Scientist where we
9 take the public out on boat rides and they can go
10 around the reserve and meet our scientists as they
11 are working in the field and it's a really fun
12 day.

13 The boat rides are all full at this
14 point, so they usually fill up right away, but
15 there is always -- there is a waiting list and
16 there is kind of always -- you can -- you show up
17 sometimes -- at the early one, sometimes people
18 aren't there and you can snag a spot.

19 And then, also just as a reminder that
20 the building is also open. Our trail is open.

21 Next slide.

22 Our trail is open. The building is
23 open. The boardwalk is open. And we have a lot
24 of our partners that come and they set up
25 different displays, so you can see all kinds of

1 critters. There is all kinds of activity. Kids
2 can do art projects, so there is a lot going on,
3 even if you're not able to get on the boat and go
4 out with us.

5 Any questions?

6 RONNIE DANIELS:

7 So it says, Saturday, September 30th. I
8 was just looking at my calendar. Saturday is the
9 28th.

10 AYESHA GRAY:

11 Well, that would be the mistake. I'm
12 sorry.

13 RONNIE DANIELS:

14 Okay. I thought I was going crazy.
15 Sorry.

16 AYESHA GRAY:

17 No. No. That would be me. Yeah. It
18 should be the 28th. It's the last Saturday in
19 September, yeah.

20 RONNIE DANIELS:

21 Yeah.

22 JOE SPRAGGINS:

23 Well, we do want to -- Ayesha, Dr. Gray
24 has a great organization out there, and it's kind
25 of a kept secret that we don't want to be kept.

1 AYESHA GRAY:

2 Yeah. We're trying to tell as many
3 people as we can.

4 JOE SPRAGGINS:

5 Yeah. We're trying to get it out there
6 to everybody. We're lucky to have this -- the
7 NERR here, and they are doing a great job. They
8 do a lot of things for a lot of -- a lot of kids
9 get a lot of education there, so don't hold it as
10 a secret. We're not trying to hide it. Okay? So
11 y'all please advertise it for us.

12 And Dr. Gray, we appreciate everything
13 y'all do over there.

14 AYESHA GRAY:

15 Yeah, sure thing.

16 RONNIE DANIELS:

17 They've got a great staff there, too,
18 Joe. They've come out the past two or three years
19 to our kids' event at the boat shows and set up a
20 display, and that's been a huge hit every year.

21 AYESHA GRAY:

22 Yes. That's great. All right. Thanks.

23 JOE SPRAGGINS:

24 I think I have one other thing.

25 JONATHAN MCLENDON:

1 All right. Moving on to other business.

2 JOE SPRAGGINS:

3 I do have one thing. I forgot to do it
4 earlier. The on-bottom -- on-bottom oysters, we
5 are finishing up now. We have, I think, our
6 process of how we want to operate. I need to get
7 everything 100 percent approved. I think we're
8 there. Hopefully, we will go out with a press
9 release in the next day or so, and we're shooting
10 for 1 October as being the date now as to whenever
11 we will open it up, the leases and we'll open them
12 up for around 60 days, and so that will put us to
13 the end of November.

14 And we will be able to get those leases
15 and hopefully have them in effect so we can start
16 getting them done and by the first of the year
17 next year that everybody will have -- we can have
18 leases for people that want to be able to put
19 their on-bottom oysters.

20 So a long process, but we want to get it
21 right and we want to do it right. And the team is
22 working very hard on it and so we appreciate that.
23 But we want to make sure that we get everything
24 and we take care of the things in the right way.
25 Any questions on that?

1 (No response.)

2 JOE SPRAGGINS:

3 Thank you.

4 JONATHAN MCLENDON:

5 Any public comments today?

6 JOE SPRAGGINS:

7 None that I know of.

8 JONATHAN MCLENDON:

9 All right. Can I get a motion to
10 adjourn?

11 MATTHEW MAYFIELD:

12 Motion to adjourn.

13 JONATHAN MCLENDON:

14 I'll second.

15 All in favor?

16 (Unanimous vote.)

17 (Meeting adjourned at 10:16 a.m.)

18

19

20

21

22

23

24

25

CERTIFICATE OF COURT REPORTER

1
2 I, MELISSA BURDINE-RODOLFICH, Court Reporter
3 and Notary Public, in and for the County of
4 Harrison, State of Mississippi, hereby certify that
5 the foregoing pages, and including this page,
6 contain a true and correct copy of my stenotype
7 notes and/or electronic tape recording of the
8 public meeting, as taken by me at the time and
9 place heretofore stated, to the best of my skill
10 and ability.

11 I further certify that I am not in the employ
12 of, or related to, any counsel or party in this
13 matter, and have no interest, monetary or
14 otherwise, in the final outcome of the proceedings.

15 Witness my signature and seal, this the 7th
16 day of October, 2024.

17
18 /s/ Melissa Burdine-Rodolfich

19
20 Melissa Burdine-Rodolfich
21 My Commission Expires 4/03/28
22
23
24
25